

Remarks

This is in response to the paper mailed on October 3, 2003. Claims 1-26 and 39 have been canceled without prejudice or disclaimer. Claims 27, 32, and 37 have been editorially amended. Claims 27-38 remain pending in the application. Reconsideration and allowance are respectfully requested.

The Examiner has requested restriction of examination between six groups of claims:

- Group I comprising claims 1-7;
- Group II comprising claims 8-26;
- Group III comprising claims 27-31;
- Group IV comprising claims 32-36;
- Group V comprising claims 37 and 38; and
- Group VI comprising claim 39.

Applicants respectfully traverse this restriction requirement and request reconsideration in view of the following remarks.

Preliminarily, it is noted that claims 1-26 and 39 (Groups I, II, and VI) have been canceled without prejudice or disclaimer. Applicants expressly reserve the right to pursue the canceled claims in future prosecution.

PCT Rule 13, which articulates the requirement of unity of invention, states the following as the circumstances in which the unity of invention requirement is fulfilled.

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

PCT Rule 13.2. Therefore, unity of invention is found where there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.

Claims 27 and 37 of the present application have been rewritten in independent form, incorporating subject matter from canceled claim 1. Claim 32 remains dependent upon claim 27.

Claims 27 and 32 are directed to a method and apparatus for preparing a tissue embedding, and claim 37 is directed to the tissue embedding prepared according to the method

and apparatus. Claims 27, 32, and 37 consequently meet the unity of invention requirement articulated in PCT Rule 13 in that they claim one or more of the same or corresponding special technical features, or the tissue embedding.

It is therefore respectfully suggested that restriction among claims 27-38 (Groups II, IV, and V) is improper since all of the claims in these groups satisfy the unity of invention requirement of PCT Rule 13. Reconsideration of the restriction requirement and examination of claims 27-38 are respectfully requested.

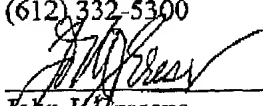
In accordance with 37 CFR 1.143, Applicants elect Group III including claims 27-31 even though the restriction requirement is traversed for the reasons stated above.

Favorable consideration of all claims pending herein is respectfully requested.

Respectfully submitted,

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